

Senate Bill 237

By: Senator Johnson of the 1st

AS PASSED

AN ACT

1 To amend Article 1 of Chapter 4 of Title 43 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to architects, so as to change certain provisions relating
3 to the adoption of rules, regulations, and standards of conduct by the Georgia State Board of
4 Architects and Interior Designers; to change certain provisions relating to the qualifications
5 of applicants for examination or a certificate of registration; to change certain provisions
6 relating to cease and desist orders issued by the board and civil penalties and judicial review
7 for such orders; to provide for related matters; to provide an effective date; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 1 of Chapter 4 of Title 43 of the Official Code of Georgia Annotated, relating to
12 general provisions relative to architects, is amended by revising Code Section 43-4-9,
13 relating to the adoption of rules, regulations, and standards of conduct, as follows:

14 "43-4-9.

15 (a) The board shall adopt all necessary rules, regulations, and standards of conduct, not
16 inconsistent with this chapter and the Constitution and laws of this state and of the United
17 States, to carry out this chapter and to safeguard life, health, and property.

18 (b) The board shall post all current laws, rules, regulations, and standards of conduct
19 relating to the practice of architecture in this state on the board's official website. The
20 board shall also provide on the website notification of recent changes in such laws, rules,
21 regulations, or standards and information pertaining to disciplinary actions taken by the
22 board. Individual notice of changes in such laws, rules, regulations, or standards shall be
23 sent by the board at least once a year to each registered architect and building official.
24 Individual notice may be sent by e-mail or regular mail."

SECTION 2.

Said article is further amended by revising subsection (c) of Code Section 43-4-11, relating to the qualifications of applicants for examination or a certificate of registration, as follows:

"(c) The applicant for a certificate of registration who has been registered as an architect by another jurisdiction shall hold a National Council of Architectural Registration Boards' certificate and a certificate of registration in such other jurisdiction, both of which shall be current and in good standing in order to meet the requirements of this subsection."

SECTION 3.

Said article is further amended by revising Code Section 43-4-18, relating to cease and desist orders, civil penalties, and judicial review, as follows:

"43-4-18.

(a) Notwithstanding any other provisions of the law to the contrary, upon the board determining that a person is violating the provisions of Code Section 43-4-14, 43-4-16, or 43-4-17, the board may issue a cease and desist order prohibiting the person from committing further violations and may impose a fine not to exceed \$10,000.00 for each violation. In determining the fine amount to be imposed, the board shall consider the severity of the violation.

(b) For purposes of this Code section, each day a person is in violation of the provisions of Code Section 43-4-14, 43-4-16, or 43-4-17 shall constitute a separate violation.

(c) A determination by the board pursuant to subsection (a) of this Code section shall be made only after notice to such person is given and a hearing is held.

(d) Initial judicial review of any decision of the board made pursuant to this Code section or any action for enforcement thereof shall be available solely in the superior court of the county of domicile of the board.

(e) Nothing in this Code section shall be construed to prohibit the board from seeking remedies otherwise available by statute without first seeking a cease and desist order in accordance with the provisions of this Code section."

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval, and Section 3 of this Act shall apply to violations committed on or after the effective date of this Act.

SECTION 5.

- 1 **SECTION 5.**
2 All laws and parts of laws in conflict with this Act are repealed.